

**Amendments to the Drawings:**

The attached one (1) sheet of drawings includes new Fig. 1. No new matter has been added.

Attachment: One (1) Replacement Sheet.

## REMARKS

### I. INTRODUCTION

Claims 1 to 16 are pending in the present application. Reconsideration, in view of the following remarks, is requested.

### II. OBJECTION TO THE DRAWINGS

The drawings were objected to under 37. C.F.R. 1.83(a) alleging that the drawings do not show a robot or production machine, as recited in the claims of the present application. Applicant does not necessarily agree with the merits of this objection. However, to facilitate matters, Fig. 1 has been amended herewith to include a specific reference to a robot and production machine. No new matter has been added. Accordingly, the objection to the drawings should be withdrawn.

### III. REJECTION OF CLAIMS 1 AND 4-16 UNDER 35 U.S.C. § 103

Claims 1 and 4 to 16 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,591,296 to Ghanime (“Ghanime”) in view of U.S. Patent No. 6,477,667 to Levi et al. (“Levi”). It is respectfully submitted that none of claims 1 and 4 to 16 is obvious over the Ghanime in view of the Levi, for at least the following reasons.

Claim 1 recites:

***An industrial controller*** for a machine tool, a robot and/or a production machine, ***comprising:***

a converter which associates predefined operating states, of the machine tool, robot and/or production machine, on an individual operating-state basis to respective messages and/or alarms so that, if one of the predefined operating states is present, an SMS message and/or an e-mail about the one of the predefined operating states is sent to a predefined distribution group; and

***a table which associates each of the predefined operating states with: i) a respective distribution group*** to whom the SMS message and/or email message is to be sent, and ii) information identifying particular information to be included in the SMS message and/or email message,

wherein after one of the predefined operating states is detected, the respective message and/or alarm associated with the one of the predefined operating states is sent via the SMS message and/or e-mail to ***the respective distribution group associated with the detected predefined operating state***, the respective message and/or alarm including the particular information identified by the information associated with the detected predefined operating state.

The Office Action admits that the Ghanime reference fails to disclose Applicant's “table” recited in claim 1, and instead relies on Levi. In this regard, the Office Action asserts on page 2 that the claims do not preclude storing the table at a site separate from the device

being monitored, that such a site may include, for example, a controller located in the operations center disclosed by Levi, and that the numeric control NC shown in Figure 1 of the present application is separated from the servers S1 and S2 and thus represents an analogous operations center as described in Levi. Applicant respectfully disagrees since on page 3, line 32 through page 4, line 8, the Specification explicitly states that the control panel BT, and hence also the two servers S1 and S2, belong to or are part of the numeric control NC. Accordingly, those skilled in the art would recognize that the numeric control NC (as well as the interface controller PLC) are part of the machine tool/robot/production machine, and that the square indicated by WZM represents the regulation or mechanical components of the machine tool/robot/production machine. That is, those skilled in art would recognize that the numeric control NC is in no way comparable to the operations center in the cited reference Levi.

In this connection, Levi describes a remote monitoring system, in which several devices 30 are monitored by an operations center 12 via the Internet 34. See Figs. 1 and 6, and related text. As represented in Fig. 6 and stated in column 14, line 11 through column 15, line 38, if a particular device 30 reveals a fault, then an alarm is generated in the device 30 and is sent via the Internet 34 to an operations center 12. See Figure 1. That is, the alarm is always sent to the same operations center 12. Thus, the operations center 12 referred to by Levi is not comparable to the numeric control NC of the present application, or to any numeric control of a machine tool/robot/production machine, since the numeric control NC is provided for each instance of a machine tool, robot and/or production machine, whereas according to Levi only one operations center 12 is provided, which additionally requires a listening process 362 and a notification process 84 as well as an SQL database 60 to assign the alarm signal to a particular person 32 and to inform that person 32 by e-mail. Thus, in sharp contrast to claim 1 of the present application, any “table” that is disclosed by Levi must necessarily reside in the operations center 12 and not in the device 30 to be monitored. Consequently, the evaluation process to inform the person 32 is performed remotely within the operations center 12 and not in the device 30 to be monitored. Indeed, in accordance with the present invention, no operations center is required. Therefore, in view of where Levi's asserted “table” is located (i.e., in a remote operations center), it would not be obvious in view of the Levi reference to include a table in a controller for a machine tool/robot/production machine. Indeed, Levi does not refer to machine tools, robots or other production machines, but instead, refers to a work station, a personal computer, a laptop, a soft drink dispensing machine, a network postage machine, a printer, a personal digital

assistant, and a heating/ventilation/air conditioning (HVAC) system, which show no relation to machine tools, robots or production machines. See col. 2, line 62 to col.

It is also respectfully submitted that Levi does not disclose or suggest a table which associates individual operating states of a machine tool/robot/production machine with a distribution group, as required by claim 1. Indeed, nowhere in Levi is it discussed or suggested that different groups of persons are informed regarding the failed device 30, or that such person might receive different depths of information depending on their position. Instead, according to Levi, the same person(s) 32 would be notified if any fault occurs. Moreover, even if Levi were to disclose a table that associates each of a number of predefined operating states with a respective distribution group (which it does not), such a table would be inapplicable to Ghanime. For instance, in Ghanime sensors of a machine are monitored with the aid of an on-site monitoring system 102, and if one of the sensors detects a fault condition in the machine, the on-site monitoring system 102 generates an e-mail via an e-mail server 112 and sends this via the Internet 122 to a monitoring and diagnostic center 116. Here, Ghanime relies on the fact that the e-mail server assigns the sender address of the respective e-mail to the respective sensor such that the remote monitoring and diagnostic center is able to identify the machine or the sensor on the basis of the sender address. See column 3, line 41 through column 4, line 44. However, Ghanime requires that all e-mails be sent to the monitoring-diagnostic center 116 so that including a table that associates a number of predefined operating states with a respective distribution group would serve no useful purpose to the system of Ghanime.

For at least the foregoing reasons, it is submitted that neither Ghanime nor Levi, alone or combined, renders claim 1 obvious. Similar arguments apply to claims 9, 11, 13 and 15. Each of claims 4 to 8, 10, 12, 14 and 16, depend from one of claims 1, 9, 11, 13 and 15; accordingly, the same arguments apply to these claims as well.

In view of the foregoing, the rejections of claims 1 and 4 to 16 should be withdrawn.

#### **IV. REJECTION OF CLAIMS 2 AND 3 UNDER 35 U.S.C. § 103**

Claims 2 and 3 stand rejected under 35 U.S.C. § 103 as being obvious over Ghanime in view of Levi and U.S. Patent No. 6,065,136 to Kuwabara ("Kuwabara"). It is respectfully submitted that neither claim 2 nor claim 3 is obvious over Ghanime in view of Levi and Kuwabara, for at least the following reasons.

As an initial matter, claims 2 and 3 depend from claim 1. Accordingly, the arguments presented above in connection with claim 1 apply equally to claims 2 and 3 since Kuwabara does not cure the deficiencies of Ghanime and Levi.

Moreover, claim 2 recites that the e-mail has a file attached to it. As regards the asserted disclosure of this feature, the Office Action relies on col. 5, lines 15 to 18 and 20 to 23 of the Kuwabara reference. Respectfully, these sections of the Kuwabara reference do not describe a file attached to an email, but instead merely state that the information stored in the diagnostic data memory, as well as the trouble and image data from image memory 14g, are to be stored in e-mail memory 14c. Respectfully, it appears that the information in e-mail memory 14c is provided in the body of an e-mail message. In particular, it appears that a special diagnostic program is used to read this information when the email message is retrieved. See, e.g., col. 5, lines 42 to 46.

In view of the foregoing, it is respectfully submitted that Ghanime in view of Levi and Kuwabara does not render obvious either of claims 2 or 3. Withdrawal of the rejection of claims 2 and 3 is therefore requested.

**V. CONCLUSION**

In light of the foregoing, Applicant respectfully submits that all of the pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited. The Examiner is invited to contact Applicant's representative, Michelle Carniaux at 212-908-6036 for any issues still outstanding in this application.

Respectfully submitted,

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